

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

DAVID SCOTT YARNALL

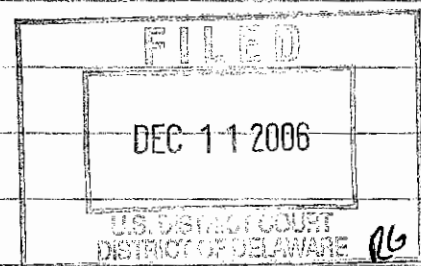
VS

CPL. ANTHONY MENDEZ ET AL  
DELAWARE STATE POLICE TROOP 7,  
PTLM LOWE, UNKNOWN OFFICERS WHO  
RESPONDED TO SCENE OF MILLSBORO  
POLICE AND PFC BUCHERT

NO. 05-527-SLR

NOTICE OF MOTION

TO: OFFICE OF THE CLERK  
U.S. DISTRICT COURT  
844 N. KING ST. LOCKBOX 18  
WILMINGTON, DE 19801



PLEASE TAKE NOTICE THAT THE ATTACHED MOTION FOR  
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
WILL BE PRESENTED AT THE CONVENIENCE OF THE  
HONORABLE COURT.

DAVID SCOTT YARNALL 548973

DSY

S.C.I.

P.O. Box 500

GEORGETOWN DE 19947

DATED: 12/06/06

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF DELAWARE

DAVID SCOTT YARNALL  
PLAINTIFF

VS

CPL. ANTHONY MENDEZ ETAL  
DELAWARE STATE POLICE TROOP 7  
PTLM LOWE, UNKNOWN OFFICERS  
WHO RESPONDED TO SCENE OF  
MILLSBORO POLICE AND PFC. BUCHERT  
DEFENDANTS

PLAINTIFF'S

FIRST REQUEST

FOR PRODUCTION

OF DOCUMENTS

CIVIL ACTION NO. 05-527-SLR

PURSUANT TO RULE 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE, PLAINTIFF REQUESTS DEFENDANTS, CPL. ANTHONY MENDEZ ETAL PRODUCE FOR INSPECTION AND/OR THE FOLLOWING DOCUMENTS:

1. VIDEO TSP 6345/TAPE 7-218 OF CPL. ANTHONY MENDEZ'S IN-CAR CAMERA OF THE ARREST OF DAVID SCOTT YARNALL ON MAY 11<sup>TH</sup> 2005.
2. POLICE REPORT OF REPORTING OFFICER CPL. ANTHONY MENDEZ 3862-2 (PGS. 1-8) OF DAVID SCOTT YARNALL ON THE NIGHT OF MAY 11<sup>TH</sup> 2005.
3. POLICE REPORT OF REPORTING OFFICER CPL. KELLY 32272 001 OF TROOP 7.
4. POLICE REPORT OF REPORTING OFFICER PTLM LOWE 10732 001.
5. POLICE REPORT OF REPORTING OFFICER PFC. BUCHERT 1065 2.
6. ALL PAGES OF EXHIBIT A AND B OF CPL. MENDEZ'S ADULT COMPLAINT AND WARRANT FROM THE JUSTICE OF THE PEACE, COURT 3 IN SUSSEX COUNTY, MAY 12 2005 AT 5 <sup>10</sup> AM.
7. LETTER FROM LT. MARK DANIELS, INTERNAL AFFAIRS DIVISION, DELAWARE STATE POLICE THAT STATES DAVID SCOTT YARNALL'S ALLEGATIONS AGAINST CPL. ANTHONY MENDEZ 3862 2 FOR EXCESSIVE FORCE HAS BEEN RULED AS EXONERATED BY ADMINISTRATIVE STAFF DATED AUGUST 31<sup>ST</sup> 2005.
8. MEDICAL RECORDS FROM BEEBE MEDICAL CENTER IN LEWES, DE OF DAVID SCOTT YARNALL.
9. VIDEO OF IN-CAR CAMERA OF PTLM LOWES POLICE CRUISER OF MAY 11<sup>TH</sup> 2005  
DATED: 12/06/06

SIGNED: [Signature]

## CERTIFICATE OF SERVICE


I, DAVID SCOTT VARNALL HEREBY CERTIFY THAT I SERVED  
A TRUE AND CORRECT COPY OF THE ATTACHED MOTION  
UPON THE FOLLOWING PARTY, ON THE 6 DAY OF DECEMBER  
2006 →

ATTORNEY GENERAL  
DEPT OF JUSTICE  
102 WEST WATER ST 3<sup>RD</sup> FL  
DOVER, DE 19904

CHIEF EXECUTIVE OFFICER OF THE CITY OF MILLSBORO  
322 WILSON HIGHWAY  
MILLSBORO, DE 19966

AKIN AND HERRON P.A.  
S/ BRUCE C. HERRON  
1220 N. MARKET ST  
SUITE 300  
P.O. BOX 25047  
WILMINGTON DE 19899

DATED: 12/6/06

  
SIGNATURE OF MOVANT

(NOTARIZATION  
NOT  
REQUIRED)